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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,080	03/09/2005	Rune Adolfsson	388.885USN	4747

33369 7590 04/01/2010  
FASTH LAW OFFICES (ROLF FASTH)  
26 PINECREST PLAZA, SUITE 2  
SOUTHERN PINES, NC 28387-4301

EXAMINER
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NGUYEN, HUONG Q

ART UNIT	PAPER NUMBER
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3736

NOTIFICATION DATE	DELIVERY MODE
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04/01/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sloan.smith@fasthlaw.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/527,080	<b>Applicant(s)</b> ADOLFSSON ET AL.	
	<b>Examiner</b> HELEN NGUYEN	<b>Art Unit</b> 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is responsive to the amendment filed 11/21/2009. Claims 1-11 are amended, overcoming the previous claim objections. **Claims 1-11** remain pending and under prosecution.

### *Claim Objections*

2. **Claims 1-11** are objected to because of the following informalities:
3. Regarding Claims 1 and 9, the preamble does not clearly recite the invention and should recite "a hand-held sensor device applied to the skin of a patient" such that the claims more accurately read upon the desired invention.
4. Said claims should also clarify the use of the invention such that they more accurately read on the invention. For example, Claim 1 may recite the limitation "the roller which is cooled by the cooled surface of the peltier element being applied to the skin of the patient." Similarly, Claim 9 may recite the limitation, "the cooled testing surface being applied to the skin of the patient."
5. Regarding Claim 1, the roller structure should also be clarified to more accurately reflect the desired design. For example, the claim may recite the limitation "a roller which rotates about an axis" to specifically designate the desired rolling action.
6. Regarding Claim 9, the claim appears to be amended yet its claim identifier says the claim is only "previously presented." The correct claim identifier of "currently amended" should have been used.
7. Claims 2-8 and 10-11 are objected to as being dependent upon Claims 1 and 9, respectively.

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8. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. **Claims 1-11** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding **Claims 1 and 9**, the recitation of various "surfaces" is unclear because the claims do not specify in some cases whether the cooled surface or the heated surface is being referred to.

11. Also regarding **Claim 9**, the claim appears to redundantly claim the flanges twice, in the beginning as well as the end portion of the claim and as such does not make sense.

12. Claims 2-8 and 10-11 are rejected by virtue of their dependence upon Claims 1 and 9, respectively.

13. To resolve the above rejections, it is recommended that the claims be amended as follows:

**Claim 1**

A hand held sensor device applied to the skin of a patient comprising:

a roller which rotates about an axis and is in operative engagement with a housing;

a peltier element disposed inside the roller and having a cooled surface and a heated surface, the peltier element being connected to a power source to obtain a

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temperature difference between the cooled surface and the heated surface thereof, the cooled surface being cooled by the peltier element and ~~an~~ the inner surface being heated by the peltier element and directed in a direction that is opposite the direction of the cooled surface, the cooled surface of the peltier element being in operative engagement with an inside surface of the roller to cool the roller((.)), the roller which is cooled by the cooled surface of the peltier element being applied to the skin of the patient.

### **Claim 9**

A hand held sensor device applied to the skin of a patient comprising:

a peltier element held by a holder attached to an outer end of a housing, the housing having an enlarged cooling segment with outwardly protruding flanges that completely surrounds the peltier element, the enlarged cooling segment being made of a material with a high heat conductivity to increase heat transfer;

the peltier element being in contact with the housing and disposed on the outer end of the housing;

the peltier element having a cooled surface and a heated surface, the peltier element being connected to a power source to obtain a temperature difference between the cooled surface and the heated surface thereof, the cooled surface being cooled by the peltier element and ~~the~~ an inner surface being heated by the peltier element and directed in a direction that is opposite the direction of the cooled surface;

the cooled surface providing a cooled testing surface, the heated surface being in contact with the enlarged cooling segment of the housing that has a high heat conductivity for effectively transferring heat from the heated surface ~~and the housing~~

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~~having a volume for absorbing the heat, the housing having a surface formed with an area of flanges in order to increase heat transfer~~ to another medium contained within the housing that is in contact with the outwardly protruding flanges of the enlarged cooling segment;

the holder being made from a material with a low heat conductivity, that is lower than the high heat conductivity of the enlarged cooling ~~element~~ segment of the housing, to avoid heat transfer between the ~~cold~~ cooled surface and the ~~hot~~ heated surface((.)), the cooled testing surface being applied to the skin of the patient.

#### *Allowable Subject Matter*

14. **Claims 1-11** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph as well as the Claim Objections, set forth in this Office action.

#### *Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN NGUYEN whose telephone number is (571)272-8340. The examiner can normally be reached on Monday - Friday, 9 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. N./  
Examiner, Art Unit 3736

/Max Hindenburg/

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Supervisory Patent Examiner, Art Unit 3736